

Department of Health and Human Services

**DEPARTMENTAL APPEALS BOARD**

Civil Remedies Division

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In the Case of:	)	
	)	
Steve R. Jean,	)	Date: April 7, 2009
	)	
Petitioner,	)	
	)	
- v. -	)	Docket No. C-09-306
	)	Decision No. CR1939
Social Security Administration.	)	

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**DECISION**

Petitioner, Steve R. Jean, an employee of the Social Security Administration (SSA), seeks review of his employer's determination that, because of a salary overpayment, he owes SSA \$5,034.48. I dismiss as untimely his hearing request.

Federal regulations give government employees the right to a hearing to challenge the existence or amount of debt purportedly owed to the United States. 45 C.F.R. § 33.6. But a petition for hearing must be sent within 15 days of the employee's receipt of the notice letter. 45 C.F.R. § 33.6(a). If filed after the 15-day period, the petition will be dismissed unless the employee establishes that the delay was the result of circumstances beyond his control or that he did not receive actual notice of the filing deadline. 45 C.F.R. § 33.6(b).

In an order dated March 18, 2009, I advised the parties that, based on the documents submitted, I was not able to determine whether the requirements of section 33.6 were met, and directed the parties to submit additional documentation, including copies of the notice letter and certificate of Petitioner's receipt of that letter. In accordance with my order, SSA has submitted a short response, with four exhibits attached (SSA Exs. 1-4). Petitioner submitted a letter with unmarked attachments.

SSA has established the following:

The Department of Interior performs payroll services for SSA. SSA Ex. 1. In a notice letter dated January 13, 2009, Payroll Supervisor Gloria Roberts advised Petitioner Jean

